

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34464 of 2022

Arising Out of PS. Case No.-552 Year-2021 Thana- SAKRA District- Muzaffarpur

AMARJEET PASWAN Son of Binod Paswan Resident of Village - Pilkhi,
P.s.- Sakra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and
learned APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sakra P.S. Case No. 552 of 2021 registered for the alleged offences under Sections 272, 273, 308, 328 and 34 of the Indian Penal Code and Sections 30(a)(c)/36/41 of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the police received secret information about manufacture of illicit country made liquor by co-accused persons and a raid was conducted at an



identified place and recovery of about 25 liters of country made liquor was made apart from 2500 liters of raw material of fermented jaggery mixed solution along with implements for manufacturing the country made liquor. No one was apprehended from the spot. The name of the petitioner came up in secret information that the petitioner used to sell the illicit liquor after manufacturing by the other co-accused persons.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. There is no allegation that petitioner was involved in manufacturing of illicit liquor. Rather the said allegation is against other co-accused persons and the co-accused persons have been granted bail vide order dated 10.05.2022 passed in Cr. Misc. No. 16/2022, vide order dated 23.05.2022 passed in Cr. Misc. No. 4285 of 2022. Charge sheet has been submitted in this case and the petitioner is in custody since 21.03.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.



Having regard to the submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Sakra P.S. Case No. 552 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of



the terms of the bail, the bail bond
of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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